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Paper No. 14

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 5,980,902 :
Issue Date: November 9, 1999 :
Serial No. 09/048,966 :
Filed: March 26, 1998 :
Inventor(s): Shanmugasundaram et al :

This is a decision on the petition, filed October 17, 2005, under 37 CFR 1.378(c)¹ to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is dismissed.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (1) above.

As to item (1), the instant petition is not signed by a person authorized to sign a petition under 37 CFR 1.378 in the above-identified patent. Any petition under 37 CFR 1.378 **must** be signed by one of the following: an attorney/agent registered to practice before the USPTO; the patentee; the

¹ Public Law 102-444, effective October 23, 1992, provides for the reinstatement of an "unintentionally" expired patent. Interim rules implementing this change were published in the Federal Register (57 FR 56448) on November 30, 1992.

assignee, if any; or other party in interest. If signed by a person not registered to practice before the USPTO, the petition **must indicate that the person signing the petition is the patentee, assignee, or other party in interest.**

The instant petition signed by Wilbur S. Claus on behalf of the assignee; however, the petition does not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed with this requirement for information.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.


Wan Laymon
Petitions Examiner
Office of Petitions

Attachment: Statement under 37 CFR 3.73(b)